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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,609	06/12/2001	Bernard Beier	600.1161	5275

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DAVIDSON, DAVIDSON & KAPPEL, LLC  
485 SEVENTH AVENUE, 14TH FLOOR  
NEW YORK, NY 10018

EXAMINER

NGHIEM, MICHAEL P

ART UNIT PAPER NUMBER

2861

DATE MAILED: 09/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



**Office Action Summary**

Application N .

09/879,609

Applicant(s)

BEIER ET AL.

Examiner

Michael P Nghiem

Art Unit

2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-22 is/are allowed.
- 6) ☒ Claim(s) 1, 4, 6-8, 11-17, 23 and 24 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 5, 9 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121:

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities:

- "line for controlling cooling element 118" (paragraph 26, line 5) should be -- line 118 for controlling cooling element --.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

"The multiple m" lacks antecedent basis.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 6-8, 11-17, 23, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Sarraf (US 5,521,748).

Sarraf discloses all the claimed features of the invention including:

- a printing press (printer, column 1, line 15) comprising at least one device (Fig. 1) for imaging printing plates (20) comprising:

- an array of  $n$  laser diodes ( $S_1, S_2, \dots, S_4$ ) which image  $n$  image points (image points on 20, Fig. 1), so that one laser diode of the array is allocated to each  $i$ -th point, with  $i$  being from  $\{1, \dots, n\}$  (Fig. 1), the  $n$  image points being separated by a spatial interval  $l$  between adjacent image points (interval between image points), with a pitch distance  $p$  of dots to be imaged by the array (pitch of dots), the laser diodes being individually-drivable single stripe laser diodes (column 2, lines 53-55);

- the spatial interval  $l$  of adjacent image points, measured in units of the pitch distance  $p$  of the dots, is smaller than the number  $n$  of the image points (Fig. 1);

Art Unit: 2861

- imaging optics (18) for correcting at least one of divergence and aberration (Fig. 1);
- a control unit, at least one of the laser diodes of the array being controlled by the control unit (column 3, lines 20-25);
- the number of laser diodes in the array is between 10 and 100 (column 3, lines 51-53);
- at least one detector (part of control circuitry) for testing for correct functioning and determining a power output of one or of a plurality of the laser diodes (column 3, lines 20-22);
- the printing plate is erasable or rewritable (20 is writable).

***Allowable Subject Matter***

4. Claims 2, 3, 5, 9, and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 18-22 are allowed.

***Reasons For Allowance***

6. The combination or method as claimed wherein, the spatial interval between adjacent image points, measured in units of the pitch distance  $p$  of the dots, is an integral multiple  $m$  of the pitch distance  $p$  between the dots (claim 2) or the multiple  $m$  and the number  $n$  of the image points are prime numbers (claim 5) or the laser diodes are spaced apart on the array by a distance of between 100 and 1000 micrometers, and a width of emitter surfaces of the laser diodes is less than 10 micrometers (claim 9) or repeating the displacement steps, an amount of the second specific displacement being greater than the spatial interval  $l$  of adjacent image points (claim 18) is not disclosed, suggested, or made obvious by the prior art of record.

***Contact Information***


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Nghiem whose telephone number is (703) 306-3445. The examiner can normally be reached on M-H from 6:30AM – 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hilten can be reached at (703) 308-0719. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-5841 for After Final communications.

Art Unit: 2861

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-

0956.



**MICHAEL NGHIEM**  
**PRIMARY EXAMINER**

Michael Nghiem

September 3, 2002